

M I N U T E S  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**AUGUST 30, 2005**

Meeting was commenced at 7:01 p.m.

**PRESENT:**

**Council Members:** Chairman John Winder, Vice Chairman Steve Fairbanks, Bryant Anderson, Scott Cowdell, Chris McCandless, Linda Martinez-Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; Deputy City Attorney Kathy Jeffery; Community Development Director Mike Coulam; Long-Range Planner James Sorensen; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Fire Chief Don Chase; Assistant CAO Jamie Davidson; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

1. **OPENING REMARKS/PRAYER/PLEDGE:**  
The Prayer was offered by Boy Scout Alan Winterbottom of Troop #1587, and the Pledge was led by Brian Winterbottom, also of Troop #1587.
2. **CITIZEN(S) COMMENTS:**
  - a. None
3. **SPECIAL PRESENTATION:** Bruce Cook (Delayed, not able to attend)

**PUBLIC HEARING(S):**

4. **Mr. Majestic Acres Rezoning**  
Public Hearing to consider a request from Kathy Bell, representing the Mr. Majestic Acres Subdivision, to rezone approximately 23.94 acres (located at approximately 1380 East 11480 South) from the R-1-20A "Residential District" to the R-1-30A "Residential District". The proposed rezoning is being requested in order to have a zoning classification that is close to the actual minimum lot sizes in the subdivision, thereby reducing the potential for subdividing lots within the subdivision in the future. The proposed rezoning does not include lots 19, 20A and 20B, which are the lots affected by the Mt. Majestic Acres Subdivision amendment.

**DISCUSSION:** Long-Range Planner James Sorensen provided a brief report and presentation regarding the Mr. Majestic Acres rezoning proposal. He explained that Mrs. Kathy Bell, representing Mt. Majestic Acres Subdivision, is requesting to rezone approximately 23.95 acres from the R-1-20A "Residential District" to the R-1-30A "Residential District". The general location of the Mt. Majestic Acres Subdivision is at approximately 1380 East 11480 South. The proposed rezoning is being requested in order to have a zoning classification that is closer to the actual minimum lot sizes in the subdivision, thereby reducing the potential for subdividing lots within the subdivision in the future. The proposed rezoning does not include lots numbered 19, 20A and 20B, which are the lots affected by the Mt. Majestic Acres Subdivision amendment.

On June 2, 2005, the Planning Commission determined that preliminary review was complete for the proposed Mt. Majestic Acres Subdivision amendment. The subdivision request was to join the two existing lot numbered 19 & 20 to create an additional lot under the R-1-20A Zone. The neighbors who attended that meeting were concerned that even though the proposed subdivision would meet the minimum requirements of the R-1-20A Zone, it would alter the feel of the neighborhood, by having lots smaller than 30,000 square feet. At that time, the Planning Commission suggested that a rezoning be pursued in order to reduce the potential for subdividing lots within the subdivision in the future.

The Sandy City General Plan indicates the following:

*Goal: To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*

*Policies: Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts should also be recognized.*

*Requires that proposed zoning changes be in harmony with established neighborhoods.*

Staff feel that the proposed rezoning is in compliance with both the City's Land Development Code and the General Plan. The proposed rezoning would make it possible to have a zoning classification that is consistent with the actual lot sizes found within the subdivision.

The Mt. Majestic Acres subdivision is currently zoned R-1-20A. The proposed R-1-30A Zone is very similar in nature to the R-1-20A Zone. The only real differences are the additional lot square footage requirements and frontage requirements. After analyzing all the existing lots and dwellings in the subdivision, Staff have found that they can meet the requirements of the proposed R-1-30A Zone. However, lots numbered 19, 20A and 20B, created through the Mt. Majestic Acres Subdivision amendment, will remain R-1-20A. These lots will be included with the adjacent lots to the east that are currently zoned R-1-20.

Staff pointed out that by rezoning the properties to the proposed R-1-30A Zone, it will limit future development options that are currently available to property owners in the subdivision.

#### **STAFF RECOMMENDATION:**

Staff is recommending that the proposed Mt. Majestic Acres Subdivision be rezoned from the R-1-20A "Residential District" to the R-1-30A "Residential District" (excluding lots numbered 19, 20A and 20B). This recommendation is based upon the following findings:

1. The proposed rezoning is in compliance with the Sandy City General Plan and Land Development Code.
2. The proposed rezoning would be compatible with the established neighborhoods.
3. The proposed rezoning would make it possible to have a zoning classification that is consistent with the actual lot sizes in the subdivision.

#### **The public hearing was opened.**

- a. **Marie Peterson**, 11484 South 1380 East, reported that she is a 16 year resident of this subdivision. She likes the large lots, and therefore, she urged the Council to retain the integrity of this rural area by zoning the property R-1-30A.
- b. **Sue Duke, lot #22**, 11505 So. 1330 East, stated that she is one of the original owners in this subdivision (28 years), and she situated her home on the large lot so that sometime in the future she could subdivide the lot. She was opposed to the R-1-30A Zone, as it would take away her right to use her property as she had planned.
- c. **David Hale**, 11447 South 1380 East, stated that he was a 31 year resident of this same subdivision. He stated he was never notified when the two lots were joined to make three lots. He asked the Council to approve the R-1-30A Zone, to keep this area's large lot identity.
- d. **Bonnie Bailie**, 11560 South 1320 East, also a 31 year resident, strongly urged the Council to support the R-1-30A Zone to retain large lots.
- e. **Leona Wilson**, 1314 East 114<sup>th</sup> South, stated that she supports large lots, and wants no further subdividing of lots to be allowed.
- f. **Chad Bell**, 11514 South 1320 East, stated that he supports one acre lots, as he felt was represented by the name of the subdivision "Majestic Acres".
- g. **Tim Bennett**, 11495 South 1380 East, stated that he purchased his home because of the openness provided by larger lot sizes. He urged the Council to support the R-1-30A Zone.

**The public hearing was closed.**

**Council Discussion:**

**Scott Cowdell** asked if the zone could not be upgraded to the R-1-40 Zone.

**James Sorensen** responded that it could not, because the lot sizes were too small for the R-1-40 Zone.

**Chris McCandless** asked if Sue Duke, owner of Lot #22, was the only one who lives in the subdivision that was opposed to the proposed rezoning. He asked if it would be possible to exclude just her lot from the proposed rezoning.

**James Sorensen** indicated that to his knowledge, Ms. Duke was the only person to be opposed. It would be impossible to leave her lot out of the rezoning, as that would constitute a "spot zone" which is illegal.

**Steve Fairbanks** stated that he would like to make sure there are no other property owners who are opposed to the proposed rezoning, before making a decision on the rezoning.

**James Sorensen** indicated that Ms. Duke was the only one at the neighborhood meeting who indicated that she was against the rezoning. He noted that there were only two or three properties within the subdivision that are situated so that a subdivision could occur.

**Dennis Tenney** stated that while he greatly sympathized with Ms. Duke, all of the remaining speakers were in favor of the R-1-30 Zone. This area is unique and he supports the retention of large lots.

**Linda Martinez Saville** stated that she supported Mr. Tenney's comments.

**MOTION:**                      **Scott Cowdell made the motion that documents be brought back on September 13, 2005, to rezone approximately 23.94 acres (located at approximately 1380 East 11480 South) from the R-1-20A "Residential District" to the R-1-30A "Residential District".**

**SECOND:**                      **Linda Martinez Saville**

**Question on the motion:**

**Chris McCandless** asked Mr. Cowdell if he would be willing to amend his motion to exempt lot number 22 from the rezoning.

**Scott Cowdell** indicated that he would not, because he felt the City had made an historical commitment to retain the rural nature of this area through big lot zoning.

**VOTE:**                              **Cowdell- Yes, Saville- Yes, Tenney- Yes, Fairbanks- No, McCandless- Yes, Anderson- Yes, Winder- Yes**

**MOTION PASSED**  
**6 in favor, 1 opposed**

**5.        Belle Glenn Estates Rezoning**

**Public Hearing to consider a request by Mr. Ernie Smith, of Smith Brubaker Haacke, to rezone approximately 5.67 acres (approximately 150 East 11000 South in the Crescent Community) from the R-1-40A "Residential District" to the R-1-10 and R-1-15 "Residential Districts". The subject property owned by Janace Hendricks, who has given her consent for the property to be rezoned. Currently, the property has two single-family dwellings fronting 11000 South. These dwellings will become**

**part of the R-1-15 portion of the proposed subdivision.**

**DISCUSSION:** James Sorensen outlined the rezoning request of Mr. Ernie Smith, representing Smith Brubaker to rezone approximately 5.67 acres from the R-1-40A "Residential District" to the R-1-10 & R-1-15 "Residential Districts". The subject property is located at approximately 150 East 11000 South in the Crescent Community. The subject property is owned by Janace Hendricks, who has given her consent for the property to be rezoned. Currently, the property has two single family dwellings fronting 11000 South. These dwellings will become part of the R-1-15 portion of the proposed subdivision.

The subject property was annexed into Sandy City in 1979, under the Fairbourn Annexation. As part of that process, it was zoned to the A-1 District. The property was later rezoned to the R-1-40A District as part of the Crescent Quadrant Rezoning. Adjacent parcels include the Crescent Park to the east, properties zoned R-1-40A to the north across 11000 South, Crescent Elementary /Middle School to the south and R-1-40A and R-1-10 to the west.

The proposed rezoning would help facilitate a subdivision with R-1-15 lots fronting 11000 South and R-1-10 lots in the interior of the subdivision. This would create the possibility of seventeen lots being developed under the proposed R-1-10 and R-1-15 Zones. The applicant has also considered the possibility of rezoning the entire site to the R-1-10 Zone. Staff would not support rezoning the entire site to the R-1-10 Zone, because it would not be consistent with the General Plan and with previous action taken by the Planning Commission and City Council along 11000 South.

An opportunity does exist for the applicant to apply for a TND Overlay Zone during the subdivision review process that would allow him to develop some smaller lots in the interior where the R-1-10 Zone would be. This could increase the lot yield by approximately one lot over the standard R-1-10 Zone. Under the TND Overlay Zone the applicant would have to follow standards relating to the design of the homes etc.

Following the concept of the "Crescent Backbone Study", and the previous actions taken by the Planning Commission and City Council, consistency requires that the 11000 South Corridor in this area maintain an R-1-15 Zoning on the lots that front 11000 South. Previous rezonings along this corridor were required to have lots fronting 11000 South be a minimum of R-1-15 in order to meet the concept of a large lot corridor along 11000 South, through the Crescent neighborhood. An objective of the Crescent Community Plan is to leave a legacy of a country living environment along the "Crescent Backbone" (11000 South).

The Crescent Community's Goals and Policies indicate the following:

*Goal: Honor existing rural atmosphere and natural resources.*

*Policies: Encourage lots of one/half acre or more in existing rural area  
Recommend the adoption of a R-1-10 lot size as a minimum.*

The City's General Plan indicates the following:

*Goal: To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*

*Policies: Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts should also be recognized.*

*Require proposed zoning changes to be in harmony with established neighborhoods.*

The residential identity of the Crescent Community is rural in nature, with some smaller lot developments. The proposed rezoning and subdivision would not compromise this rural identity as long as the design and layout are consistent with the "Crescent Backbone" concept, which requires that large lots be located on parcels fronting the 11000 South Corridor, with smaller lots being located to the rear.

A neighborhood meeting was held on June 6, 2005, regarding the proposed development. The following concerns were stated:

1. Sewer and water capacity on 11000 South
2. Interior lots should be 10,000 sq. ft. minimum

3. Lots fronting 11000 South be 15,000 sq ft with large front yards
4. Concerns with children going to school during construction
5. Where will driveways be located
6. Street lights
7. Where will storm water be drained

Consideration regarding any development on this property should take into account the following issues as part of the subdivision review process:

1. Public improvements (access)
2. Project compatibility
3. Buffering (fencing)
4. Landscaping

**STAFF RECOMMENDATION:**

Staff recommends that the proposed Belle Glenn Estates Rezoning from the R-1-40A "Residential District" to the R-1-10 and R-1-15 "Residential Districts" be approved based upon the following findings:

1. The rezoning request for R-1-15 along 11000 South and R-1-10 in the interior is consistent with the Sandy City General Plan and the objectives of the Crescent Community Plan.
2. The rezoning request is consistent with previously approved rezonings in the area, and it preserves the established neighborhood character of the area.
3. Development at the subject location can be compatible with the surrounding area.

Representing the developer, **Mr. Haacke**, stated that Mr. Sorensen's presentation was accurate. He reported that the project was reduced to 16 lots in order to obtain the necessary frontage. All lots exceed 10,000 square feet, with those facing 11000 South being 15,000 square feet.

The public hearing was opened and as there were no comments, the hearing was closed.

**Council Discussion:**

**Chris McCandless** noted that those lots facing 110<sup>th</sup> South will have a problem backing out onto 110<sup>th</sup> South. He suggested that circular driveways be included to avoid this problem.

**Mr. Haacke** stated that some buyers do not seem to want the circular driveways, as it takes away from the size of the front yard. The developer has proposed both the circular driveway, or a hammerhead driveway that provides a safe turn about.

**MOTION:** Chris McCandless made the motion to have documents brought back September 13, 2005, to rezone approximately 5.67 acres (approximately 150 East 11000 South in the Crescent Community) from the R-1-40A "Residential District" to the R-1-10 and R-1-15 "Residential Districts, as recommended by Staff.

**SECOND:** Dennis Tenney

**VOTE:** McCandless- Yes, Tenney- Yes, Fairbanks- Yes, Cowdell- Yes, Saville- Yes, Anderson- Yes, Winder- Yes

**MOTION PASSED**  
7 in favor

6. Ascot Parkway Rezoning  
Public Hearing to consider a request by Mr. David George, representing John Holmes Construction, to rezone approximately 1.99 acres (located at approximately 1600 East Ascot Parkway) from the R-1-20A "Residential District" to the R-1-10 "Residential District". The rezoning would facilitate an eight lot subdivision.

**DISCUSSION:** **James Sorensen** explained the Ascot Parkway Rezoning request. He noted that the proposed rezoning, if approved, would facilitate a seven lot subdivision instead of the 8 lot subdivision originally stated by the public hearing notification.

**David George**, who represents John Holmes Construction, is requesting to rezone approximately 1.99 acres from the R-1-20A "Residential District" to the R-1-10 "Residential District". The property is located at approximately 1600 East Ascot Parkway. The rezoning would help facilitate the development of a seven lot subdivision. The subject property is owned by Lori Fitzgerald who has given her consent for the property to be rezoned. The applicant is also working on a subdivision plat for preliminary review with the Planning Commission (Ascot Parkway Subdivision).

The property was annexed into Sandy City in December of 1991. As part of that annexation process, the property was zoned R-1-20A. Adjacent properties to the north are zoned R-1-20A and R-1-30A (Bell Canyon Acres). To the east and south, the abutting zone is R-1-10, and to the west there is R-1-8 zoning.

The Sandy City General Plan indicates the following:

*Goal: To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*

*Policies: Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*

*Require proposed zoning changes to be in harmony with established neighborhoods.*

Staff feel that the proposed rezoning is in compliance with both the City's Land Development Code and the General Plan. The proposed rezoning would allow the property to be developed with a seven lot subdivision that would be consistent with the adjacent zoning on three sides of the subject property. The proposed development will also enhance the character of the neighborhood.

An opportunity does exist for the applicant to apply for a TND Overlay Zone during the subdivision review process. If this option were chosen by the developer, it would allow the developer to develop on smaller lots in the R-1-10 Zone. If approved by the Planning Commission, the lot yield could increase by approximately two lots over the standard R-1-10 Zone. Under the TND Overlay Zone, the applicant would have to follow specific standards relating to the design of the homes etc.

A neighborhood meeting was held on April 14, 2005, where several concerns relating to traffic, trails, setbacks, fencing and etc. were raised

Consideration regarding any development on this property should take into account the following issues as part of the subdivision review process:

1. Public improvements (access)
2. Project compatibility
3. Fencing
4. Landscaping (parkstrip wavers)

#### **STAFF RECOMMENDATION:**

Staff recommends that approximately 1.99 acres, located at approximately 1600 East Ascot Parkway, be rezoned from the R-1-20A "Residential Districts" to the R-1-10 "Residential District" based upon the following findings:

1. The rezoning is in compliance with the Sandy City General Plan and Land Development Code.
2. Development at the subject location can be compatible with the surrounding area.
3. The proposed development will enhance the character of the neighborhood and is consistent with surrounding properties.

Developer **David George** was present at the Public Hearing. He stated that he agreed with Mr. Sorensen's

presentation.

The Public Hearing was opened and closed, as there were no comments.

**MOTION:** Steve Fairbanks made the motion that documents be brought back to rezone approximately 1.99 acres (located at approximately 1600 East Ascot Parkway) from the R-1-20A "Residential District" to the R-1-10 "Residential District".

**SECOND:** Dennis Tenney

**VOTE:** Fairbanks- Yes, Tenney- Yes, Cowdell- Yes,  
Saville- Yes, McCandless- Yes, Anderson- Yes, Winder- Yes

**MOTION PASSED**

7 in favor

**7. Brick House Expansion Rezoning**

Public Hearing to consider a request by Mr. Shane Jones, representing Alta View Holdings, to rezone approximately .54 acres (located at approximately 10965 South State Street in the Crescent Community) from the R-1-10 "Residential District" to the LC "Limited Commercial District". The proposed rezoning would help facilitate additional parking for the Brick House office building and potential parking for future commercial development along 11000 South to 85 East.

**DISCUSSION:** James Sorensen indicated that the developer has asked that this Public Hearing be rescheduled to October 11, 2005. They would like additional time to work out concerns expressed by the neighborhood.

Because the Public Hearing was advertised for this evening, the Public Hearing is required to be opened. As there were no comments, the hearing was closed by the Chairman.

**MOTION:** Dennis Tenney made the motion to continue the Brick House Expansion Rezoning Public Hearing to October 11, 2005, at 7:05 p.m.

**SECOND:** Chris McCandless

**VOTE:** Tenney- Yes, McCandless- Yes, Fairbanks- Yes,  
Saville- Yes, Anderson- Yes, Cowdell- Yes, Winder- Yes

**MOTION PASSED**

7 in favor

**COUNCIL ITEMS:**

**8. Interlocal Agreement: Metro Fire Agency Formation**

Resolution #05-70 C - authorizing the execution of an Interlocal Cooperation Agreement between West Valley City, Murray City, South Salt Lake City, West Jordan City, South Jordan City, Bluffdale and Sandy City for the formation of a Metro Fire Agency.

**MOTION:** Bryant Anderson made the motion to adopt Resolution #05- 70 C - authorizing the execution of an Interlocal Cooperation Agreement between West Valley City, Murray City, South Salt Lake City, West Jordan City, South Jordan City, Bluffdale and Sandy City for the formation of a Metro Fire Agency.

**SECOND:** Steve Fairbanks

**VOTE:** Anderson- Yes, Fairbanks- Yes Tenney- Yes,  
Saville- Yes, McCandless- Yes, Cowdell- Yes, Winder- Yes,

**MOTION PASSED**

7 in favor

**9. Street Name Change - 10225 South to Glacier View Drive**

Ordinance #05-32 - changing the name of 10225 South between 1985 East to 2505 East to Glacier View Drive.

**DISCUSSION:** Phil Glenn explained that the residents who made the original request for the proposed street name change, had requested it under their perception that the street name change was needed for safety purposes. Because safety was one of the factors that influenced the Council to allow the street name to be changed, Mr. Glenn

asked if the Council felt that the City should bear the cost of the new street name signage. While he did not wish to set a precedent, he felt that due to the unusual circumstances surrounding the request, the City should take the cost burden on, at this time.

**Bryant Anderson** noted that there are two segments to this street. He asked that the request for new signage involve both segments of the street.

**Dennis Tenney** noted that, for the most part, street signs in Sandy contain both the name of the street and the street number designation.

**MOTION:** Steve Fairbanks made the motion to adopt Ordinance #05-32 - changing the name of 10225 South between 1985 East to 2505 East to Glacier View Drive. Sandy City will bear the costs of the new signage for both street segments.

**SECOND:** Fairbanks- Yes, Tenney- Yes, Cowdell, Winder- Yes, Saville- Yes, McCandless- Yes, Anderson- Yes, Winder- Yes

**MOTION PASSED**  
7 in favor

10. Meeting Cancellations  
Resolution #05-69 C - canceling the October 4, 2005, and the November 8, 2005, City Council Meetings to accommodate the 2005 Primary and Municipal General Elections.

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-69 C - canceling the October 4, 2005, and the November 8, 2005, City Council Meetings to accommodate the 2005 Primary and Municipal General Elections.

**SECOND:** Linda Martinez Saville

**VOTE:** Tenney- Yes, Saville- Yes, Fairbanks- Yes, McCandless- Yes, Anderson- Yes, Cowdell- Yes, Winder- Yes

**MOTION PASSED**  
7 in favor

**MINUTES:**

11. Approving the August 16, 2005 City Council Meeting Minutes.

**MOTION:** Dennis Tenney made the motion to adopt the August 16, 2005 City Council Meeting Minutes as written.

**SECOND:** Chris McCandless

**VOTE:** The Council voted verbally and unanimously in the affirmative.

**MOTION PASSED**  
All in favor

12. **MAYOR'S REPORT:**  
a. Provided during Planning Meeting.

13. **CAO'S REPORT:**  
a. Provided during Planning Meeting.

14. **COUNCIL OFFICE DIRECTOR'S REPORT:**  
a. Provided during Planning Meeting.

15. **OTHER COUNCIL BUSINESS:**  
a. Scott Cowdell requested that Staff check into the feasibility of Sandy City creating its own Housing Authority. He felt this type of agency could help provide improvements for lower income areas of the City. It was his understanding, that if the City was able to qualify to have its own Housing Authority, it could potentially affect the amount of CDBG funds the City can qualify for.



**At approximately 7:58 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Linda Martinez Saville.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**John B. Winder  
Council Chairman**

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**Naleen Wright  
Council Office Manager**

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